

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1665

Introduced by Assembly Member Jones
(Coauthor: Assembly Member Mullin)

February 12, 2014

An act to amend Section ~~7525~~ of the Business and Professions Code, relating to private investigators ~~9880.1~~ of the Business and Professions Code, relating to automotive repair.

LEGISLATIVE COUNSEL'S DIGEST

AB 1665, as amended, Jones. ~~Private investigators: license.~~
Automotive repair.

(1) Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. A violation of the act is a crime. Existing law provides for the registration and regulation of automotive repair dealers and makes it unlawful for any person to be an automotive repair dealer unless registered with the bureau. Existing law defines an automotive repair dealer and an automotive technician as persons who, among other things, repair motor vehicles. Existing law defines the repair of motor vehicles to mean all maintenance of and repairs to motor vehicles, as specified, and excludes from the definition, among other things, repairing tires, changing tires, and lubricating vehicles. Existing law defines an automotive technician as an employee of an automotive repair dealer or that dealer, if the employer or dealer repairs motor vehicles, and who for salary or wage performs specified work on a motor vehicle, but excludes, among other things, repairing tires, changing tires, and lubricating vehicles.

This bill would delete repairing and changing tires from, and would add tire rotation and adjusting tire pressure to, those exclusion lists. The bill would additionally exclude tire services provided by or on behalf of a motor club holding a specified certificate of authority or an operator of a tow truck owned or operated by a person or entity possessing a valid motor carrier permit from the definitions of “repair of motor vehicles” and “automotive technician.”

This bill would define the term tire pressure monitoring system (TPMS) to mean the automotive safety device that warns the driver by using a lighted icon on the onboard diagnostic system that one or more of the tires are underinflated, and would require automotive repair dealers and tire dealers to check the onboard diagnostic system of a vehicle manufactured with a TPMS and be capable of activating and calibrating the TPMS, as specified.

Because the failure of a person repairing or changing tires to register as an automotive repair dealer with the bureau and the failure of a tire dealer or tire service provider to check the onboard diagnostic system of a vehicle manufactured with a TPMS would constitute a crime, the bill would impose a state-mandated program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, with exceptions, prohibits a person from engaging in the business of a private investigator without applying for and obtaining a license to engage in that business. A license application is required to be on a form prescribed by the Director of Consumer Affairs and accompanied by the application fee.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 9880.1 of the Business and Professions*
- 2 *Code is amended to read:*

9880.1. The following definitions apply for the purposes of this chapter:

(a) “Automotive repair dealer” means a person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles.

(b) *An “automotive technician” is an employee of an automotive repair dealer or is that dealer, if the employer or dealer repairs motor vehicles, and, who for salary or wage, performs maintenance, diagnostics, repair, removal, or installation of any integral component parts of an engine, driveline, chassis, or body of any vehicle, but excludes all of the following:*

(1) Rotating tires.

(2) Adjusting tire air pressure.

(3) Providing tire services by or on behalf of a motor club holding a certificate of authority issued pursuant to Chapter 2 (commencing with Section 12160) of Part 5 of Division 2 of the Insurance Code or by an operator of a tow truck, as defined in Section 615 of the Vehicle Code, owned or operated by a person or entity possessing a valid motor carrier permit, as described in Section 34620 of the Vehicle Code.

(4) Lubricating vehicles.

(5) Installing light bulbs, batteries, windshield wiper blades, and other minor accessories.

(6) Cleaning, replacing fan belts, oil, and air filters.

(7) Other minor services that the director, by regulation, determines are customarily performed by a gasoline service station.

(c) “Bureau” means the Bureau of Automotive Repair.

~~(b)~~

(d) “Chief” means the Chief of the Bureau of Automotive Repair.

~~(e) “Bureau” means the Bureau of Automotive Repair.~~

(e) “Commercial business agreement” means an agreement, whether in writing or oral, entered into between a business or commercial enterprise and an automotive repair dealer, prior to the repair that is requested being made, that contemplates a continuing business arrangement under which the automotive repair dealer is to repair any vehicle covered by the agreement, but does not mean any warranty or extended service agreement normally given by an automobile repair facility to its customers.

1 (f) “Customer” means the person presenting a motor vehicle
2 for repair and authorizing the repairs to that motor vehicle.
3 “Customer” shall not mean the automotive repair dealer providing
4 the repair services or an insurer involved in a claim that includes
5 the motor vehicle being repaired or an employee or agent or a
6 person acting on behalf of the dealer or insurer.

7 (g) “Director” means the Director of Consumer Affairs.

8 ~~(d)~~

9 (h) “Motor vehicle” means a passenger vehicle required to be
10 registered with the Department of Motor Vehicles and all
11 motorcycles whether or not required to be registered by the
12 Department of Motor Vehicles.

13 (i) “Person” includes a firm, partnership, association, limited
14 liability company, or corporation.

15 ~~(e)~~

16 (j) (1) “Repair of motor vehicles” means all maintenance of
17 and repairs to motor vehicles performed by an automotive repair
18 dealer including automotive body repair work, but excluding those
19 repairs made pursuant to a commercial business agreement and
20 also excluding ~~repairing tires, changing tires, lubricating vehicles,~~
21 ~~installing light bulbs, batteries, windshield wiper blades and other~~
22 ~~minor accessories, cleaning, adjusting, and replacing spark plugs,~~
23 ~~replacing fan belts, oil, and air filters, and other minor services,~~
24 ~~which the director, by regulation, determines are customarily~~
25 ~~performed by gasoline service stations. all of the following:~~

26 (A) Rotating tires.

27 (B) Adjusting tire air pressure.

28 (C) Providing tire services by or on behalf of a motor club
29 holding a certificate of authority issued pursuant to Chapter 2
30 (commencing with Section 12160) of Part 5 of Division 2 of the
31 Insurance Code or by an operator of a tow truck, as defined in
32 Section 615 of the Vehicle Code, owned or operated by a person
33 or entity possessing a valid motor carrier permit, as described in
34 Section 34620 of the Vehicle Code.

35 (D) Lubricating vehicles.

36 (E) Installing light bulbs, batteries, windshield wiper blades,
37 and other minor accessories.

38 (F) Cleaning, adjusting, and replacing spark plugs.

39 (G) Replacing fan belts, oil, and air filters.

1 (H) *Other minor services that the director, by regulation,*
2 *determines are customarily performed by gasoline service stations.*

3 ~~No~~

4 (2) *No service shall be designated as minor, for purposes of this*
5 *section, if the director finds that performance of the service requires*
6 *mechanical expertise, has given rise to a high incidence of fraud*
7 *or deceptive practices, or involves a part of the vehicle essential*
8 *to its safe operation.*

9 (k) (1) *“Tire pressure monitoring system” (TPMS) means the*
10 *automotive safety device that warns the driver by using a lighted*
11 *icon on the onboard diagnostic system that one or more of the tires*
12 *are underinflated.*

13 (2) *If a vehicle is manufactured with a TPMS, automotive repair*
14 *dealers and tire dealers shall check the onboard diagnostic system*
15 *to ensure that the TPMS is operative, and they shall be capable*
16 *of activating and calibrating the TPMS when necessary in*
17 *accordance with industry protocol.*

18 (f) ~~“Person” includes firm, partnership, association, limited~~
19 ~~liability company, or corporation.~~

20 (g) ~~An “automotive technician” is an employee of an automotive~~
21 ~~repair dealer or is that dealer, if the employer or dealer repairs~~
22 ~~motor vehicles and who for salary or wage performs maintenance,~~
23 ~~diagnostics, repair, removal, or installation of any integral~~
24 ~~component parts of an engine, driveline, chassis or body of any~~
25 ~~vehicle, but excluding repairing tires, changing tires, lubricating~~
26 ~~vehicles, installing light bulbs, batteries, windshield wiper blades,~~
27 ~~and other minor accessories; cleaning, replacing fan belts, oil and~~
28 ~~air filters; and other minor services which the director, by~~
29 ~~regulation, determines are customarily performed by a gasoline~~
30 ~~service station.~~

31 (h) ~~“Director” means the Director of Consumer Affairs.~~

32 (i) ~~“Commercial business agreement” means an agreement,~~
33 ~~whether in writing or oral, entered into between a business or~~
34 ~~commercial enterprise and an automobile repair dealer, prior to~~
35 ~~the repair which is requested being made, which agreement~~
36 ~~contemplates a continuing business arrangement under which the~~
37 ~~automobile repair dealer is to repair any vehicle covered by the~~
38 ~~agreement, but does not mean any warranty or extended service~~
39 ~~agreement normally given by an automobile repair facility to its~~
40 ~~customers.~~

1 (j) ~~“Customer” means the person presenting a motor vehicle for~~
2 ~~repair and authorizing the repairs to that motor vehicle. “Customer”~~
3 ~~shall not mean the automotive repair dealer providing the repair~~
4 ~~services or an insurer involved in a claim that includes the motor~~
5 ~~vehicle being repaired or an employee or agent or a person acting~~
6 ~~on behalf of the dealer or insurer.~~

7 *SEC. 2. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution because*
9 *the only costs that may be incurred by a local agency or school*
10 *district will be incurred because this act creates a new crime or*
11 *infraction, eliminates a crime or infraction, or changes the penalty*
12 *for a crime or infraction, within the meaning of Section 17556 of*
13 *the Government Code, or changes the definition of a crime within*
14 *the meaning of Section 6 of Article XIII B of the California*
15 *Constitution.*

16 ~~SECTION 1. Section 7525 of the Business and Professions~~
17 ~~Code is amended to read:~~

18 ~~7525. An application for a license pursuant to this chapter shall~~
19 ~~be on a form prescribed by the director and accompanied by the~~
20 ~~application fee provided by this chapter.~~